



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

VILLAGE COUNCIL MEETING AGENDA

November 9, 2021 – 6pm
Village Hall, 10004 New Town Road
Regular Meeting (Virtual Meeting)

A. AGENDA ITEM

5 MINUTES

1. Call to Order
2. Consider Allowing Councilmembers to Participate Remotely (*If applicable*)
3. Adoption of the Agenda
4. Pledge of Allegiance
5. Public Comment Period

All are welcome to speak during the public comment period. Please sign-in if you wish to address the Village Council and submit a written copy of your comments to the Clerk to be properly recorded in the minutes. Speakers are asked to limit comments to 3 minutes. The Village Council may request that one person speak on behalf of large groups expressing the same opinion. Although the Village Council is interested in hearing your concerns, speakers should not expect action or deliberation on subject matter brought up during public comments.

VIRTUAL OPTION: Contact the Village Clerk by email at clerk@marvinnc.gov to sign up. You may also send your public comments to the Village Clerk to be part of the meeting minutes. For any scheduled public hearing, citizens have the right to submit a public comment in written form between the time of the official public notice and 24 hours prior to the scheduled time of the public hearing.

B. PRESENTATIONS

30 MINUTES

1. Discuss & Consider Adoption of Proclamation to Honor the Life and Legacy of Raymond “Ray” Charles Davie Williams (1948-2021) Mayor Pollino

C. REPORTS AND UPDATES

20 MINUTES

1. Manager’s Report Christina Amos
2. Planner’s Report Hunter Nestor
 - a. Code Enforcement Report (Information Only)
3. Roads Report Christina Amos
4. Deputy’s Report Deputy Gallis
5. Planning Board Chair Report Chairman Jones
6. PR&G Board Chair Report Chairman Baresich

D. CONSENT AGENDA (*Consent items may be considered in one motion and without discussion except for those items removed by a Councilmember*)

1. Consider Adoption of Village Council Minutes from the 9/30/21 (Work Session), 10/12/21 (Regular), and 10/14/21 (Fall Town Hall) Meetings Austin W. Yow
2. Consider Approval of Final Plat for Rural Subdivision Application 21-12637 (The Gates at Marvin) Hunter Nestor
3. Consider Approval of Classification and Compensation Plan Christina Amos

E. PUBLIC HEARING

5 MINUTES

1. Open the Public Hearing to Consider Adoption of the Marvin Heritage District Small Area Plan Hunter Nestor
 - a. Consider Recessing the Public Hearing until a Future Council Regular Meeting at 6pm at Village Hall, Date TBD

*Due to expected absences, this hearing will not occur as scheduled and will be recessed until a future regular meeting, date TBD.
No discussion or action will occur at this meeting.*

F. VILLAGE HALL

10 MINUTES

G. UNFINISHED BUSINESS

45 MINUTES

1. Discussion of 2022 Marvin Day Celebration Derek Durst
2. Discuss and Consider Adoption of Resolution to Oppose Union County CZ Application 2021-06 (Rea Road Cell Tower) Hunter Nestor

H. NEW BUSINESS

10 MINUTES

1. Discussion of December 2021 Communications Austin W. Yow

2. Review and Consider Adoption of Village Council Minutes from the 10/28/21 (Work Session) Meeting Austin W. Yow

I. AGENDA ITEMS

- | | |
|---------------------------------------|-----------------|
| 1. Review of Action Items | Austin W. Yow |
| 2. Review of Ongoing Action Item List | Austin W. Yow |
| 3. Council Comments | Village Council |

J. CLOSED SESSION

15 MINUTES

K. ADJOURNMENT

Village of Marvin

Council Agenda



Agenda Items

- 1. Call to Order**
- 2. Consider Allowing Councilmembers to Participate Remotely *(If applicable)***
- 3. Adoption of the Agenda**
- 4. Pledge of Allegiance**
- 5. Public Comment Period**

Village of Marvin

Council Agenda



Presentations

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: Presentations

Agenda Item: Proclamation

Action Requested: Adopt

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: Proclamation to Honor the Life and Legacy of Raymond "Ray" Charles Davie Williams (1948-2021)

Supporting Documentation: Draft Proclamation

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Discuss & Consider Adoption of Proclamation to Honor the Life and Legacy of Raymond "Ray" Charles Davie Williams (1948-2021)



PROCLAMATION

2021-11-01

November 9, 2021

TO HONOR THE LIFE AND LEGACY OF RAYMOND "RAY" CHARLES DAVIE WILLIAMS (1948-2021)

Whereas, The Marvin Village Council, on behalf of all Marvin residents, acknowledges the deep sadness felt by members of our community by the loss of Ray Williams, who passed away on October 8, 2021; and

Whereas, Ray was a man of many passions, but none surpassed horses, in which he developed a profound understanding of equine behavior and gentle techniques that could successfully bring out a horse's true potential; and

Whereas, Ray was the driving force behind the Marvin Area Recreation Equine Show, which for many years brought great attention to Marvin's equine heritage; and

Whereas, Ray served as the Chairman on both the Planning Board and the Parks, Recreation, and Greenways Board for many years; and

Whereas, Ray was a life-long student and teacher, as he loved sharing his knowledge about horses just as much as he loved learning something new; and

Whereas, Ray will be deeply missed by his wife, Terry, his brother, Richard, and the Marvin Community.

Now therefore, I, Joseph E. Pollino, Jr., Mayor of the Village of Marvin, do hereby proclaim Mr. Williams birthday, the 19th day of February as:

"RAY WILLIAMS DAY"

in the Village of Marvin, in recognition of his life and his significant contributions to the Marvin Community.

In witness thereof, I have hereunto set my hand and caused the Seal of the Village of Marvin to be affixed this 9th day of November 2021.

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

Attest:

*Austin W. Yow
Village Clerk & Assistant to the Manager
Village of Marvin*

Village of Marvin

Council Agenda



Reports & Updates

1. **Manager's Report**
2. **Planner's Report**
3. **Roads Report**
4. **Deputy's Report**
5. **Planning Board Chair Report**
6. **PR&G Board Chair Report**



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CODE ENFORCEMENT / ZONING CASE ACTIVITY SUMMARY (11/2/21)

LOCATION	CASE TYPE	STATUS
1. 9807 Joe Kerr Rd (Beside Derek Durst)	Nuisance Violation (Tree Limbs / Brush against fence)	Issued NOV 9/8/21 Violation Corrected / Case closed
2. Tom Short Rd. / Amber Meadows HOA	Nuisance Violation (Landscape Maintenance)	Met onsite with Amber Meadows HOA rep. Will continue to monitor
3. 10507 New Town Rd.	Nuisance Violation (Vacant Home / Overgrown Lot)	NOV issued 8/16/31 – Compliance deadline 8/31/21. Grass cut / weeds and brush cleared / Case closed
4. 2102 South Providence Rd.	Nuisance Violation (Overgrown Lot)	Issued initial notice 5/27/21 – Grass cut Grass/Weeds overgrown again – Issued new notice 10/22/21
5. 4000 Flowering Peach Rd.	Nuisance Violation (Overgrown Lot)	Violation corrected Case Closed
6. 2004 Waxhaw-Marvin Rd.	Nuisance Violations Overgrown Grass / Weeds / Stagnant Water (portable pool)	Notice issued – Grass Compliance deadline - 8/28/21. Grass abatement has been initiated NOV deadline for weeds/stagnant water is 9/22/21 Grass overgrown again / Issued new notice 10/22/21
7. 10018 Marvin School Rd	Nuisance Violation (Overgrown Grass)	Notice issued 8/18/21 Grass/weeds overgrown again / Issued new notice 10/22/21
8. 1308 Larkridge	Nuisance Violation Overgrown grass / weeds (Road frontage lot maintenance)	Notice issued 8/18/21 Met owner (Krystina Culp) at property. Road frontage maintenance is underway. Owner agreed to continue maintaining area and staff will continue to monitor.

12.	348 Kindling Wood Land	Noise Violation Dogs barking early morning (3:00am – 6:00am)	Received complaint of dogs habitually barking 3:00am – 6:00am. Received evidence of violation occurring Issued NOV 10/22/21
13.	9720 Robinwood Ln.	Potential Nuisance Violation	Received complaint of construction debris and other trash around the property. Site visit conducted. No evidence of Nuisance violations.
14.	103 Barlow St.	Potential Nuisance Violation	Complaint filed regarding plastic trellises installed in rear yard. Trellises not approved by HOA President. Site visit conducted. This is not a nuisance violation. No further action.
15.	9614 Belmont Lane	Lighting Ordinance Violation and No Zoning Permit Issued	Complaint filed regarding lighting system installed in rear yard to illuminate basketball court. No permit issued. Warning Letter issued on 10/22/21 and property owner applied for Zoning Permit and was issued approved Zoning Permit

Eddie Cathey

Sheriff of Union County

3344 Presson Road

Monroe, North Carolina 28112



Telephone: (704) 283-3789

FAX: (704) 292-2700

Email: eddiecathey@co.union.nc.us

Deputy Report October 2021

911 Hang up calls 46

ACCIDENT PD 6

- 3200 Block Waxhaw Marvin Rd.
- Marvin Rd. @ Joe Kerr Rd. X-2
- Newtown Rd. S.Providence Rd. X-2
- 8000 Stonehaven Dr.

ACCIDENT PI 4

- Marvin School Rd. @ New Town Rd.
- Waxhaw Marvin @ Bonds Grove Rd
- New Town Rd @ S Providence Rd.
- Waxhaw Marvin @ Barlow St.

ALARMS LAW 9

BUSINESS CHECKS 8

BURGLARY TO VEHICLES

DOMESTIC DISTURBANCE 2

LARCENY 1

PREVENTATIVE PATROL 339

RADAR PATROLS 12

SUSPICIOUS VEHICLE 4

TRAFFIC STOP 29

TOTAL CALLS FOR SERVICE 532

Village of Marvin

Council Agenda



Consent Agenda

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: Consent Agenda

Agenda Item: Meeting Minutes

Action Requested: Adopt

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: Village Council Minutes

Supporting Documentation: Draft Minutes

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Consider Adoption of Village Council Minutes from the 9/30/21 (Work Session), 10/12/21 (Regular), and 10/14/21 (Fall Town Hall) Meetings



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VILLAGE COUNCIL MEETING MINUTES

September 30, 2021 – 9am
Village Hall, 10004 New Town Road
Work Session (Virtual Meeting)

A. AGENDA ITEMS

1. Call to Order

Mayor Pollino called the meeting to order at 9:03am and determined a quorum was present.

Present: Mayor Pro Tem Vandenberg, Councilman Lein, Councilman Wortman

Present Virtually via Webex: Mayor Pollino, Councilman Marcolese

Absent: None

Staff Present: Christina Amos, Austin W. Yow, Hunter Nestor, Jamie Bays, Derek Durst

Mayor Pollino asked Mayor Pro Tem Vandenberg to lead the meeting since he is participating remotely.

2. Consider Allowing Councilmembers to Participate Remotely

MOTION: Mayor Pro Tem Vandenberg moved to allow Councilmembers to participate remotely.

VOTE: The motion passed unanimously, 4-0.

3. Adoption of the Agenda

Mayor Pro Tem Vandenberg requested to make the following changes:

- Move “Village Hall” to after “Communications”
- Remove Item 2: “Discussion of Additional Roundabout Plantings”
- Remove Item 3: “Discussion and Consideration of Hiring a Part Time Event Planner to Assist with Village Events including Marvin Day Planning and Fundraising”
- Remove Item 8: “Discussion of Trail Markers”

MOTION: Councilman Lein moved to approve the agenda as amended.

VOTE: The motion passed unanimously, 4-0.

B. PRESENTATIONS

No presentations occurred.

C. ITEMS OF DISCUSSION

TIME STAMP 2:55

1. Discuss and Consider Waiving Procurement Policy and Awarding Contract for Construction of the Internal Preserve Trail to Blue Ridge Trail Works *(See attached, Item C.1., which is included as a reference in these minutes).*

Derek Durst, Public Facilities Manager, explained that Blue Ridge Trail Works was the only company to provide a quote. He asked Council to waive the three-quote requirement. Council discussed the high-quality work of Blue Ridge Trail Works in depth.

MOTION: Councilman Wortman moved to waive the procurement policy and award the contract for the construction of the Internal Preserve Trail to Blue Ridge Trail Works for \$46,035 with \$3,965 in contingency funds.

VOTE: The motion passed unanimously, 4-0.

TIME STAMP 10:55

2. Discussion of 2022 Marvin Day Celebration

Mr. Durst explained that Councilman Lein attended the previous PR&G Board Work Session, where the Board put together a draft schedule of events for the festival. He added that food trucks and additional events need to be scheduled. Council discussed ideas for additional events, logos, and sponsorships in depth.

TIME STAMP 39:40

3. Discussion of American Rescue Plan Act of 2021 Funding

Christina Amos, Village Manager, informed the Board that a resolution and a capital project ordinance will be on the October 12 regular meeting agenda, which will formally accept the relief funds and allow the Village to spend them. Currently, the Village

plans to use the funds for recovering lost revenue, social distancing measures, technology, software, audio/visual for Village Hall, security/access control for the new Village Hall, the water/sewer tap fee for Village Hall, vaccine incentives, hazard pay, water/sewer infrastructure along New Town Road, and for tourism signage. Council discussed the use of these funds in depth.

TIME STAMP 1:12:30

4. Discussion of Future Road Assessment Requests

Ms. Amos explained that residents and prospective residents have asked the Village to complete a special assessment and accept their roads for maintenance. She noted that this would encourage unincorporated neighborhoods to annex into Marvin. Council discussed this proposal in depth and agreed that it would be acceptable if the Village took out a short-term loan.

TIME STAMP 1:22:05

5. Discussion of Removing Underbrush on Village Hall Project Site

Councilman Wortman explained that removing the underbrush on site does not add to the Village's allowed disturbed area. He noted that the fall season is a good time to remove the underbrush, as it will not be as thick. Ms. Amos noted that three quotes will need to be received or Council may waive that requirement.

TIME STAMP 1:28:50

6. Discussion of Fall Town Hall Meeting Agenda & Format

The Village Council briefly discussed possible topics on the agenda for the Fall Town Hall Meeting agenda. They agreed by consensus to have a food truck at the event.

TIME STAMP 1:37:00

7. Review of Council Minutes from the 8/26/21 (Work Session) and 9/14/21 (Regular) Meetings

Council reviewed the minutes from the 8/26/21 work session and 9/14/21 regular meetings and made no changes. Council asked Mr. Yow to place the minutes on the consent agenda for the October 12 regular meeting.

D. OPEN TOPICS

TIME STAMP 1:37:55

1. Firethorne Tree Removals

Mayor Pollino briefly spoke on many tree removals in Firethorne Country Club. He was especially concerned about potential road damage. Ms. Amos stated that the Village has an ordinance requiring those who damage Village roads to pay for repairs.

2. Recent Union County Chamber of Commerce Meeting

Mayor Pollino briefly spoke on his recent attendance at the Union County Chamber of Commerce meeting. He received a gift certificate at the meeting for a free ad in a newspaper. Mayor Pollino donated the ad to the Village to use for Marvin Day in 2022.

3. Inherit the Land Premiere on Saturday, October 16

Mayor Pollino inquired if anyone is planning to attend the premiere of the documentary based on Gene Stowe's book "Inherit the Land." The premiere will take place on Saturday, October 16 in Monroe.

4. Sight Distance Issues at Marvin Road / Heritage Oak Lane Intersection

Councilman Marcolese briefly spoke on safety concerns relating to traffic and speeding on Marvin Road near his home on Heritage Oak Lane. He highlighted poor sightlines when turning left from Heritage Oak Lane onto Marvin Road. He asked staff if there is anything that can be done about the issue. Ms. Amos stated she would inform NCDOT of the issue.

5. Vehicle Turnarounds in Village Hall & Church Lots

Councilman Lein briefly spoke on the large number of vehicles that have been using the driveways of Village Hall and Banks Presbyterian Church to turn around. Council agreed by consensus to purchase "No Turnaround" signs and offer one to the Church.

E. COMMUNICATIONS

TIME STAMP 1:55:00

1. Discussion of October 2021 Communications

Mr. Yow asked Council for their feedback on proposed communications for October. Council added additional topics to the list.

F. VILLAGE HALL

TIME STAMP 1:59:25

a. Contingency Fund Update

Ms. Amos explained that the Village has committed \$150,000 of the \$200,000 contingency funds. She noted that funds will need to be reallocated to contingency, including those recouped from the American Rescue Plan.

b. Generator Relocation

Ms. Amos briefed Council on the proposed location of the natural gas generator, just to the west for Village Hall. Council agreed by consensus to the location of the generator.

c. Change Order for Irrigation

Ms. Amos explained that she was still waiting on an estimate for this change order from the builder. She expects to have an update at the next meeting.

d. Audio Visual/Security/Access Control Update

Ms. Amos explained that the Village was required to go out for bid on these two projects. She stated that the bids are due on Monday, October 4 at noon. She added that the contracts will be on the October 12 Council agenda for approval.

e. Construction Progress Update

Ms. Amos explained that the windows have been installed, the framing is complete, and the roofing is in progress. She added that the remaining underground utilities will be installed shortly, the mechanical/electrical and siding work will begin next week, and the generator will be delivered soon.

G. REPORTS AND UPDATES

TIME STAMP 2:12:20

1. Manager's Report

a. Berwick Court Update

Ms. Amos stated that the water issue on the corner of Berwick is currently being addressed and will be completed soon.

b. Pre-Salt Plan

Ms. Amos explained that the Village needs to plan for winter storms to prevent road damage and to address potential liability issues associated with emergency response during poor road conditions. She added that areas of concern were identified by the Village Engineer and that a plan will be drafted to prepare for winter weather, including pre-salting and plowing. She will bring estimates on the cost back to Council at a future meeting.

c. Weddington Chase Sidewalk Repairs, Irrigation Damage *(See attached, Item G.1.c., which is included as a reference in these minutes).*

Ms. Amos reminded Council that they previously decided not to pay for damage to a homeowner's irrigation system that occurred during sidewalk repairs. At the time, Council did not believe the Village's contractor was at fault. She noted that the homeowner recently submitted a statement from the contractor stating that they did cause the damage. She noted, however, that the damage occurred in the Village's right-of-way, where irrigation devices are prohibited. Since the devices are not allowed in right-of-way, Council agreed by consensus to not pay for the damages.

TIME STAMP 2:19:30

2. Planner's Report

a. CRTPO Grant Update

Hunter Nestor, Planning & Zoning Administrator, explained that funds will be available in the next fiscal year for the right-of-way acquisition for the expansion of sidewalks along New Town and Marvin Road. He noted that construction will not begin until fiscal year 2025. Council discussed this in depth and agreed by consensus to move forward with the right of way acquisition in the next fiscal year.

b. Innisbrook Trail Connection Update

Mr. Nestor stated he will be meeting next week with the property owner who is willing to provide a trail easement to connect Innisbrook to the Internal Preserve Trail. He stated he will provide an update at next meeting.

c. Belle Grove Trail Update

Mr. Nestor explained that other residents from the Belle Grove subdivision have not been as opposed to the proposed trail that would run along the perimeter of the subdivision as those that previously met with him. Council discussed this in depth and agreed by consensus to pursue a fee-in-lieu instead of having the builder construct the trail.

d. Marvin Heritage District Update

Mr. Nestor explained that the Planning Board was not ready to make a recommendation on the Marvin Heritage District Small Area Plan. He explained that he plans to schedule an additional Planning Board meeting, so the Board may have additional time to review the Form-Based Code.

e. **Cell Tower Off Rea Road**

Mr. Nestor explained that a 160-foot cell tower is planned to be constructed in unincorporated Union County behind the commercial development along Rea Road that abuts Amber Meadows. He added that a community meeting will be held on Tuesday, October 5 at 7pm online. He stated he encouraged residents of multiple neighborhoods to attend.

f. **Roundabout Lighting**

Mr. Nestor gave a brief update on the Village's request to have light poles installed at the roundabouts on New Town Road. He stated that Union Power submitted the plans to NCDOT and that NCDOT has returned the plans. He will provide an update at the next meeting.

H. AGENDA ITEMS

TIME STAMP 2:41:30

1. **Review of Action Items**

- Ms. Amos will execute the contract with Blue Ridge Trail Works for the Internal Preserve Trail.
- Ms. Amos will research short-term loans for future road assessments.
- Ms. Amos will discuss the sightlines at the Heritage Oak Lane / Marvin Road intersection with NCDOT.
- Ms. Amos will set up a meeting with U.S. House Representative Dan Bishop about the infrastructure bill.
- Ms. Amos and Mr. Durst will meet with the Union County Urban Forester about the trees at the Village Hall site.
- Ms. Amos will update Council at their next meeting about the Village Hall Capital Project Ordinance.
- Ms. Amos will move forward with the change orders for the irrigation well and generator location.
- Mr. Yow will put the Fall Clean Up Event on October 16 on the PR&G Board's agenda for October 5.
- Mr. Nestor will work on revising the tree removal ordinance.
- Staff will get three banners for the Fall Town Hall Meeting and will have a food truck at the event.
- Staff will order "No Turnaround" signs for the Village Hall and Church properties.
- Staff will assess the size of the conference room table for the new Village Hall.
- Staff will search for the National Night Out banners.

TIME STAMP 2:46:10

2. **Review of Ongoing Action Item List**

Council reviewed the list and made changes.

TIME STAMP 2:49:30

3. **Council Comments**

Mayor Pollino: He thanked staff for their hard work. He mentioned how he talked highly of the Village Staff at the Chamber of Commerce. He apologized for not being at the meeting in person. He briefly spoke on the symbolism of the Bluebird for the Marvin Day logo. He highlighted the accomplishments of the Marvin Ridge High School Band, including their competition wins.

Councilman Lein: He thanked staff for their hard work on the ARP funds. He thanked Council for their work on various projects for being more effective and efficient.

Councilman Marcollese: He concurred with Councilman Lein. He thanked Mr. Nestor for all his hard work on the Marvin Heritage District.

I. CLOSED SESSION

No closed session occurred.

J. ADJOURNMENT

MOTION: Councilman Wortman moved to adjourn the meeting at 12:01pm.

VOTE: The motion passed unanimously, 4-0.

Adopted: _____

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

*Austin W. Yow
Village Clerk & Assistant to the Manager*



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VILLAGE COUNCIL MEETING MINUTES

October 12, 2021 – 6pm
Village Hall, 10004 New Town Road
Regular Meeting (Virtual Meeting)

A. AGENDA ITEM

1. Call to Order

Mayor Pollino called the meeting to order at 6:02pm and determined a quorum was present.

Present: Mayor Pro Tem Vandenberg, Councilman Lein, Councilman Wortman

Present Virtually via Webex: Mayor Pollino, Councilman Marcollese

Absent: None

Staff Present: Christina Amos, Austin W. Yow, Hunter Nestor, Jamie Bays, Chaplin Spencer

2. Consider Allowing Councilmembers to Participate Remotely

MOTION: Councilman Wortman moved to allow Councilmembers to participate remotely.

VOTE: The motion passed unanimously, 4-0.

MOTION: Councilman Marcollese moved to allow Mayor Pro Tem Vandenberg to preside over the meeting.

VOTE: The motion passed unanimously, 4-0.

3. Adoption of the Agenda

Mayor Pro Tem Vandenberg requested to make the following changes:

- Add Closed Session: Recess into Closed Session Pursuant to NCGS §143-318.11(a)(3) To Consult with an Attorney Employed or Retained by the Public Body in Order to Protect the Attorney-Client Privilege
- Remove Village Hall Item: Discussion of Dias Location and Sizing
- Remove Unfinished Business Item: Consider Approval of Solid Waste Contract with Active Waste for Services Beginning on April 1, 2022, Allowing Manager to Make Minor Modification Pending Attorney's Reviews and Allow Manager to Execute Agreement Pending Village Attorney Review

MOTION: Councilman Wortman moved to approve the agenda as amended.

VOTE: The motion passed unanimously, 4-0.

4. Pledge of Allegiance

Mayor Pollino led the pledge of allegiance.

5. Public Comment Period

Bob Nunnenkamp, 516 Wyndham Lane (Wyndham Hall):

"I completely understand the concerns of residents, regarding the placement of a 160 ft. cell tower near their homes. In all likelihood, I would feel the same way, however, the Marvin area needs a cell tower due to extremely poor cell coverage. We are in the age of wireless communication, yet many of us in Marvin currently experience dropped calls, poor streaming and less than acceptable connectivity in general. This situation is not acceptable to me and shouldn't be to anyone in Marvin. It needs to be corrected. My hope is that the Council will take the concerns of all residents into consideration and work with appropriate parties, if possible, to identify a viable solution that most neighbors can live with."

Jill Dunton, 2030 Rocky Hollow Drive (Amber Meadows):

"In 2019, my husband Steve and I built our "forever home" in the 55+ Amber Meadows Community. Our address is 2030 Rocky Hollow Drive, near the intersection of Rea and Tom Short Road, directly behind the Children's Lighthouse Daycare. We have lived in this area since 2000 and have definitely seen our community development into a highly desirable place to live. Our previous residence was in Hunter Oaks, pretty much across the street from our current neighborhood.

The proposed zoning amendment to allow a 160ft AGL Monopole Communications Tower including an additional 10ft lightning rod, with the height equivalent to approximately a 16-story building, allowing for 4 carrier antennas, will be located behind our backyard and viewable from every rear window inside our home. The close distance is approximately .127 miles, 660 ft or 268

steps from our home. Not to mention 50ft from a daycare playground. This location will adversely affect many in the area. This proposed 170ft tower location is not in harmony with the quaint residential walking community of The Village of Marvin and Unincorporated Southwestern Union County. Thank you in advance for preserving our beautiful community.”

Tonya McCally, 2006 Meadow Vista Drive (Tullamore):

Mrs. McCally, Tullamore HOA President, spoke on behalf of her residents and residents of Amber Meadows regarding their opposition to the cell tower being proposed off Rea Road. She noted that a petition opposing the tower has received more than 320 signatures. She requested Council formally oppose the proposed development, as it is not consistent with the character of Marvin.

Dalia Hartman, 1016 Jaspar Lane (Amber Meadows):

Mrs. Hartman spoke regarding the impact study submitted by CitySwitch to Union County. She argued that the study was inaccurate; she specifically cited the claim the tower would be screened by trees. She argued that the tower is not in the character of Marvin. She then argued that the tower endangers the nearby daycare center.

Gary Vail, 1032 Jaspar Lane (Amber Meadows):

Mr. Vail argued that the proposed location of the cell tower is flawed on the grounds that the tower endangers the children of the local daycare. He then cited the strong opposition to the tower shown in the petition. He asked Council to oppose the proposed tower. He also cited the burden the tower would place upon those living in the townhomes near the proposed site.

Ripal Patel, 3005 Rocky Hollow Drive (Tullamore):

Mrs. Patel spoke on her opposition to the proposed cell tower, citing health concerns and aesthetics. She also cited the potential negative effects on property values for those properties near the proposed tower. She asked Council to oppose the proposed development.

Bob Vogel, 1031 Jaspar Lane (Amber Meadows):

Mr. Vogel spoke about his conversation with the Union County Senior Planner about the project. He asked the Council to oppose the application. He stated the tower should be proposed for a different location.

Kristy Braun, 9216 Rockwater Court (Canterfield Creek):

Mrs. Braun stated she did not want a cell tower to be a focal point for Marvin, like a water tower is for Waxhaw. She questioned the location of the tower, as its proximity to the Mecklenburg/Union County line would benefit many Mecklenburg County residents as well.

Carlos Alvidrez, 3011 Rocky Hollow Drive (Tullamore):

Mr. Alvidrez spoke regarding the effect the cell tower will have on his neighbors in Amber Meadows, who will have direct view of the tower from their backyard.

Shawn Soul, 2002 Meadow Vista Drive (Tullamore):

Mr. Soul stated the cell tower would be located 1000 feet from property. He argued against the tower citing the effect on property values, and how the idea of a cell tower runs contrary to Marvin's identity. He asked Council to oppose the proposed development.

Kiran Ahned, 3000 Rocky Hollow Drive (Tullamore):

Mrs. Ahned stated that the cell tower would be a few hundred feet from her home. She spoke about how this proposal runs contrary to the reason why her family originally moved to Marvin. She requested Council to oppose the development and hopes the tower will be proposed for a different location.

Michael Koss, 1006 Meadow Vista Drive (Tullamore):

Mr. Koss spoke on the proposed cell tower's generator and fuel tank, citing the potential risk of the fuel tank leaking into the McBride Branch, which feeds into the Six Mile Creek. He asked Council to oppose the proposed tower.

Wayne Deatherage, 2060 Rocky Hollow Drive (Amber Meadows):

Mr. Deatherage commented that he confirmed that the applicant for the proposed cell tower has not approached the Army Core of Engineers regarding the potential environmental effects on wetlands.

Sulabha Gupta, 962 Meadow Vista Drive (Tullamore):

Mrs. Gupta concurred with previous speakers regarding the proposed cell tower, citing aesthetic, health, and financial concerns.

B. REPORTS AND UPDATES

1. **Manager's Report**
No report was given.

TIME STAMP 37:40

2. **Planner's Report**
 - a. **Discussion of Cell Tower on Rea Road**
Hunter Nestor, Planning & Zoning Administrator, stated that the Village has no direct control over the process, but can pass a resolution to support or oppose the proposal. He then briefed Council on the County's timeline for the proposal. Council discussed this proposal in depth.

3. **Roads Report**
No report was given.

4. **Deputy's Report** *(See attached Item B.4., which is included as a reference in these minutes).*

TIME STAMP 1:07:00

5. **Planning Board Chair Report**
Councilman Marcollese briefly recapped the previous Planning Board meeting.

TIME STAMP 1:08:00

6. **PR&G Chair Report**
Mayor Pro Tem Vandenberg briefly recapped the previous PR&G Board meeting.

C. CONSENT AGENDA *(Consent items may be considered in one motion and without discussion except for those items removed by a Councilmember)*

TIME STAMP 1:09:45

MOTION: Councilman Lein moved to adopt the consent agenda as presented.

VOTE: The motion passed unanimously, 4-0.

1. **Consider Adoption of Council Minutes from 8/26/21 Work Session and 9/14/21 Regular Meetings** *(Adopted minutes can be viewed online).*
2. **Consider Adoption of 2022 Holiday Schedule** *(See attached Item C.2., which is included as a reference in these minutes).*
3. **Consider Adoption of Resolution Ratifying Acceptance of American Rescue Plan Funding**

RS-2021-10-01

RESOLUTION ACCEPTING AMERICAN RESCUE PLAN FUNDS

WHEREAS, the Village of Marvin is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF).

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible North Carolina municipalities; and

WHEREAS, before receiving a payment, the Village Council is required to formally accept the CSLRF funds;

WHEREAS, revenue received under the CSLRF must only be spent for purposes authorized by the CSLRF, and applicable regulations, and by state law;

WHEREAS, revenue received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

WHEREAS, the Village of Marvin must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

NOW, THEREFORE, BE IT RESOLVED by the Village of Marvin that we do hereby accept and request CSLRF funding to be distributed by the State of North Carolina; and

FURTHER RESOLVED that the Village of Marvin affirms that the CSLRF revenue will only be used for the purposes prescribed in the CSLRF, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

FUTHER RESOLVED that the Village of Marvin will comply with procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act; and

FURTHER RESOLVED that the Village of Marvin will account for CSLRF in a separate fund and not co-mingle it with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds; and

FURTHER RESOLVED that the Village Council of the Village of Marvin designates and directs the Village Manager, Christina Amos, to take all actions necessary on behalf of the Village council to receive the CSLRF funds.

Adopted this 12th day of October 2021.

4. **Consider Adoption of Coronavirus State and Local Recovery Fund Premium Pay Policy and Justification AND Approval of Ordinance Establishing Grant Project Fund for the Coronavirus State and Local Recovery** *(See attached Item C.4., which is included as a reference in these minutes).*

OR-2021-10-01

**AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA
ESTABLISHING GRANT PROJECT FUND FOR CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
IN THE VILLAGE OF MARVIN, NORTH CAROLINA**

BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). The Village of Marvin has received the first tranche in the amount of \$538,466.63 of CSLRF funds. The total allocation is \$1,076,933.25 with the remainder to be distributed to the town within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amounts are appropriated for the project and authorized for expenditure:

CSLRF Project	\$1,076,933.25 as follows:
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TYPE	CATEGORY	AMOUNT
Expense	LOSS OF REVENUES	(\$9,000)
Expense	PUBLIC HEALTH RESPONSE	(\$235,000)
Expense	WATER/SEWER INFRASTRUCTURE	(\$483,000)
Expense	PREMIUM PAY	(\$90,000)
Expense	OTHER-TBD	(\$259,933.25)
TOTAL		\$1,076,933.25

Reason: In accordance with Interim Final Rule 31 CFR Part 35, effective May 17, 2021; eligible uses are limited response to the public health emergency in four general categories: Loss of Revenue; Public Health Response; Infrastructure; and Premium Pay.

Loss of Revenues. Allows recovery of funding for the provision of government services to the extent of losses from COVID-19. Specific projects for use of this lost revenue will be identified in the future.

Public Health Response. Allows expenditures for numerous categories including general COVID-19 response and prevention which includes the proposed Capital Investments (Audio Visual Technology for Village Hall \$89,999; Access Control for Village Hall \$30,000; Furniture for Village Hall (for Social Distancing) \$35,000; Financial Software \$55,000; Virtual and related Devices/Hardware \$25,000) which will facilitate COVID prevention.

Infrastructure. Allows expenditures for certain investments in water, sewer or broadband infrastructure. Water/Sewer Infrastructure for Village Hall and along New Town Road from Marvin School Road to Marvin Road are still in preliminary design but are allocated to comply with the public benefits associated with such infrastructure improvements.

Premium Pay. Allows retrospective pay and prospective pay as outlined in Village Policy 21-10-01. Premium pay prioritizes premium pay for lower income workers and is not expected to exceed 150% of the “all occupations” average reported in the May 2020 Union County Bureau of Labor Statistics’ Occupational Employment and Wage Statistics with the exception of the position of the Village Manager who will be compensated less than others at \$4/hour. Specific provisions are set forth in Village Policy 21-10-01.

Other TBD. Allowed under numerous categories allowed under the Public Health Response category. Staff will come back for further amendments to add community programs or other projects as directed by Council before this funding is allocated.

Section 3: The following revenues are anticipated to be available to complete the project:
 CSLRF Funds \$1,076,933.25

Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Finance Officer and to the Clerk to Village Council.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the town, whichever occurs sooner.

This ordinance shall be effective upon adoption and ordered published as provided by law.

Adopted this the 12th day of October 2021.

5. **Consideration of Waiving Three Bid Requirement Per Village Procurement Policy to Purchase Access Control and Security from Security 101 Not to Exceed a Total Contract cost of \$42,776.67 plus a 10% Contingency of \$4,300 AND Authorize Manager to Execute Agreement Contingent Upon Attorney Review AND Authorize Budget Appropriation for Access Control Portion in the Coronavirus State and Local Fiscal Recovery Funds** *(See attached Item C.5., which is included as a reference in these minutes).*

6. **Consider Approval of Amended Contract with Urban Architects in Amount \$4,000 for Village Hall Project** *(See attached Item C.6., which is included as a reference in these minutes).*
7. **Consider Entering Agreement with eScribe for Agenda, Meeting, and Board Management Software in an Amount Not to Exceed \$8,000 in Year 1 AND Authorize Purchase of Tablets and Associated Hardware for Village Council and Staff Use in an Amount Not to Exceed \$16,000 AND Authorize Budget Appropriation for Access Control Portion in the Coronavirus State and Local Fiscal Recovery Funds AND Allow Manager to Execute Agreement** *(See attached Item C.7., which is included as a reference in these minutes).*
8. **Consideration of Waiving Three Bid Requirement Per Village Procurement Policy to Purchase Financial Software from Tyler Technologies Not to Exceed a Total Contract cost of \$55,000 AND Authorize Manager to Execute Agreement Contingent Upon Attorney Review AND Authorize Budget Appropriation for Access Control Portion in the Coronavirus State and Local Fiscal Recovery Funds** *(See attached Item C.8., which is included as a reference in these minutes).*
9. **Consider Adoption of Ordinance to Affirm to the Village Council Decision on Zoning Text Amendment #21-12592: Revise the Definition of Rural Subdivision in §150.015 DEFINITIONS** *(See attached Item C.9., which is included as a reference in these minutes).*

OR-2021-10-02

AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA

AN ORDINANCE AMENDING CHAPTER §150.015, REVISION OF THE DEFINITION OF RURAL SUBDIVISION IN THE VILLAGE OF MARVIN, NORTH CAROLINA

WHEREAS, a completed Zoning Text Application 21-12592 was received on February 9th, 2021 from American Land Holdings, LLC to amend CHAPTER §150.015; and

WHEREAS, the Village of Marvin, Village Council this held a Public Hearing for this application for this during a public meeting on March 9th, 2021; and

WHEREAS, the Village Council voted unanimously to approve Zoning Text Amendment #21-12592 with modifications presented at the meeting; and

WHEREAS, per § 151.252(E)(8) ZONING AMENDMENTS; TEXT AMENDMENTS of the Village of Marvin Code of Ordinances, the text amendment shall be effective upon the date of approval; and

WHEREAS, the text amendment shall be codified within the Village of Marvin Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that Section 1. Title XV: LAND USAGE, Chapter 150.015 entitled "Definitions", of the Code of Ordinance of the Village of Marvin, North Carolina shall be amended as follows:

§ 150.015 DEFINITIONS.

RURAL SUBDIVISION.

- (1) A subdivision that meets all of the following requirements:
 - (a) Involving not more than eight lots;
 - (b) With a parent tract of at least 10 acres;
 - (c) Minimum lot sizes are two acres;
 - (d) A minimum of half of the resulting lots are larger than 2.5 acres; and
 - (e) No more than one new road is created.
- (2) A rural subdivision may follow the requirements of § 151.080 R Marvin Residential District. Where a requirement of R Marvin Residential conflicts with the Rural Subdivision, the Rural Subdivision requirement shall apply.
- (3) It shall be noted on the final plat that any additional subdivision of parcels identified on the final plat of a rural subdivision shall be undertaken using the major subdivision process outlined in § 151.050.

This ordinance shall be effective upon adoption and ordered published as provided by law.
Adopted and effective this day of 12th of October 2021.

10. **Consider Adoption of Ordinance Affirming the Council Decision to Rezone Parcels 06-210-007a and 06-207-005c as R-Marvin Residential**

OR-2021-10-03

AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA

AN ORDINANCE AFFIRMING THE COUNCIL DECISION TO REZONE PARCELS 06-210-007A AND 06-207-005C AS R-MARVIN RESIDENTIAL

WHEREAS, the Village Council held a public hearing and adopted ordinances OR-2021-07-01 and OR-2021-07-02 to annex parcels 06-210-007A and 06-207-005C on July 13, 2021; and

WHEREAS, the Marvin Planning Board recommended that both parcels be zoned from Union County R-40 to R-Marvin Residential at their August 17, 2021 meeting; and

WHEREAS, the Village Council held a public hearing and voted unanimously to rezone the parcels from Union County R-40 to R-Marvin Residential at their September 14, 2021 meeting; and

WHEREAS, N.C.G.S. 160D-601(c) states that all rezonings must be adopted by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Village Council for the Village of Marvin, North Carolina that parcels 06-210-007A and 06-207-005C are zoned R-Marvin Residential.

This ordinance shall be effective upon adoption and ordered published as provided by law.
Adopted and effective this day of 12th of October 2021.

11. **Consider Approval of Final Plat for Minor Subdivision Application 21-12732 (Beck Property Subdivision)** *(See attached Item C.11., which is included as a reference in these minutes).*
12. **Affirm the Design Review Board Approval of the Marvin Gardens Phase II, Sign Applications, and Construction Plans** *(See attached Item C.12., which is included as a reference in these minutes).*
13. **Accept the August 2021 Treasury Report** *(Adopted treasury reports can be viewed online).*

D. PUBLIC HEARING

No public hearings were scheduled.

E. VILLAGE HALL

TIME STAMP 1:10:00

1. **Consider Change Order to Randolph and Son for Generator Move for Village Hall Not to Exceed \$15,000**
Ms. Amos informed Council that staff is proceeding with the change order to move the generator at a cost of \$15,000. Councilman Wortman briefed the Council on the state of construction.

F. UNFINISHED BUSINESS

TIME STAMP 1:12:40

1. **Discussion of 2022 Marvin Day Celebration (Saturday, May 21, 2022)**
Derek Durst, Public Facilities Manager, recapped previous PR&G Board meetings regarding Marvin Day. He stated he has nothing new to report at this time. Mayor Pro Tem Vandenberg gave an update on getting Firethorne involved in Marvin Day.

G. NEW BUSINESS

TIME STAMP 1:20:25

1. **Discussion and Consideration of Waiving Three Bid Requirement Per Village Procurement Policy to Negotiate Audio Visual Award to SKC Communication in Amount (pre-tax) Not to Exceed \$89,999 and Authorize Manager to Execute Agreement Contingent Upon Attorney Review AND Authorize Budget Appropriation for the Coronavirus State and Local Fiscal Recovery Funds** *(See attached Item G.1., which is included as a reference in these minutes).*

Ms. Amos explained that staff advertised the audio-visual RFP as required and only one bid was received. She asked Council to waive the three-bid requirement. She then summarized the equipment and audio-visual capabilities provided in the proposal. Council discussed this item in depth and asked Ms. Amos to speak to other municipalities regarding their audio/visual equipment.

MOTION: Councilman Wortman moved to waive the Three Bid Requirement Per Village Procurement Policy to Negotiate Audio Visual Award to SKC Communication in Amount (pre-tax) Not to Exceed \$89,999 and Execute Agreement Contingent Upon Attorney Review AND Authorize Budget Appropriation for to the Coronavirus State and Local Fiscal Recovery Funds and Allow Manager to Make Modifications as Needed after speaking with Local Municipalities.

VOTE: The motion passed unanimously, 4-0.

TIME STAMP 1:33:55

2. Discuss and Consider Adoption of 2022 Village Council Meeting Schedule *(See attached Item G.2., which is included as a reference in these minutes).*

Austin W. Yow, Village Clerk & Assistant to the Manager, presented the draft meeting schedule for 2022. Council reviewed the draft and made revisions.

MOTION: Councilman Marcollese moved to approve the 2022 Village Council Meeting Schedule as amended.

VOTE: The motion passed unanimously, 4-0.

TIME STAMP 1:36:45

3. Discussion of CRTPO Marvin Loop Grant *(See attached Item G.3., which is included as a reference in these minutes).*

Mr. Nestor explained that the Village was originally scheduled to receive grant funding for the expansion of the Marvin Loop in fiscal year 2025. He stated that CRTPO has informed him that funding is available now. He asked for Council's direction on whether to move forward with the project earlier than initially planned. Council discussed this item in depth and agreed to move forward with the right of way acquisition as soon as possible. Staff will move forward with a budget amendment to cover the costs of engineering of the right of way acquisition, for which the Village will later receive a 60 percent reimbursement.

H. OPEN TOPICS

TIME STAMP 1:40:50

Passing of Ray Williams

Mayor Pollino spoke about Ray Williams, a former Planning Board member and a founding PR&G Board member, who passed away recently. He read an excerpt from a statement submitted by former Village Clerk, Melody Graham:

"Ray worked tirelessly for the Village when he served. As the Planning Board Chair, he was actively involved in re-writing the ordinances during the year-long moratorium. He spent countless hours at the Village Hall for meetings, upon meetings, upon meetings. As a founding member of the PR&G Board, he served as Chair. He worked at obtaining easements and building trails, organizing and hosting the MARES event and building community interest in the preservation of land. He also served the Village as the Village's Code Enforcement Officer. He was a good man and will be missed greatly. He is survived by his wife Terry."

Council reflected on Mr. Williams passing and asked Mr. Yow to work on a proclamation to honor the life of Mr. Williams.

I. AGENDA ITEMS

TIME STAMP 1:44:00

1. Review of Action Items

- Ms. Amos will talk to other municipalities about audio/visual equipment.
- Ms. Amos and Mrs. Bays will prepare a budget amendment to fund the engineering and right of way costs for the Marvin Loop expansion.
- Mr. Yow will work on a proclamation to honor the late Ray Williams.
- Mr. Nestor will work with Union County on colocation of the proposed cell tower, research hiring a tech consultant, and will report back at the October 28 work session.
- Mr. Nestor will share more information with residents about upcoming Union County Board of County Commissioners and Planning Board meetings that relate to the proposed cell tower.

2. Review of Ongoing Action Item List

Council reviewed the list and made no changes.

TIME STAMP 1:45:10

3. Council Comments

Mayor Pollino: He apologized for not being at the meeting in person. He thanked the residents for attending the meeting. He encouraged residents to vote in the municipal elections in November. He encouraged residents to attend the Town Hall meeting. He reflected on National Night Out and thanked staff for their hard work. He thanked John Baresich for grilling the burgers and hotdogs at National Night Out. He thanked Publix for donating more than \$800 in food for the event. He stated that the unopened food was donated to a local food bank.

Councilman Lein: He thanked staff for their hard work.

Councilman Marcollese: He thanked all the residents for contacting him about the proposed cell tower. He thanked Jamie and Derek for their hard work for National Night Out. He then asked Mr. Yow to send a recap email after the Town Hall meeting to show all the accomplishments made in the past two years.

J. CLOSED SESSION

TIME STAMP 1:53:25

1. Recess into Closed Session Pursuant to NCGS §143-318.11(a)(3) To Consult with an Attorney Employed or Retained by the Public Body in Order to Protect the Attorney-Client Privilege

MOTION: Councilman Wortman moved to recess into closed session pursuant to NCGS §143-318.11(a)(3) To Consult with an Attorney Employed or Retained by the Public Body in Order to Protect the Attorney-Client Privilege.

VOTE: The motion passed unanimously, 4-0.

(Recording omits closed session)

MOTION: Councilman Wortman moved to return to open session.

VOTE: The motion passed unanimously, 4-0.

K. ADJOURNMENT

MOTION: Councilman Marcollese moved to adjourn the meeting at 8:16pm.

VOTE: The motion passed unanimously, 4-0.

Adopted: _____

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

*Austin W. Yow
Village Clerk & Assistant to the Manager*



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

VILLAGE COUNCIL MEETING MINUTES

October 14, 2021, at 6:30pm
The Barn at Marvin Efird Park
8909 New Town Road
Fall Town Hall Meeting

MEETING AGENDA

Please join the Marvin Village Council and Staff on Thursday, October 14, 2021, at 6:30pm at the Barn at Marvin Efird Park (8909 New Town Road) for the Fall Town Hall Meeting. The purpose of this meeting is to provide a public forum for residents to converse back and forth with the Village Council and Staff and to get information on any of our current and upcoming projects. A food truck will be on-site to provide free refreshments to Marvin residents in attendance.

AGENDA ITEMS

1. **Call to Order**

Mayor Pollino called the meeting to order at 6:37pm and determined a quorum was present.

Present: Mayor Pollino, Mayor Pro Tem Vandenberg, Councilman Lein, Councilman Marcollese, Councilman Wortman

Absent: None

Staff Present: Christina Amos, Austin W. Yow, Hunter Nestor, Jamie Bays, Derek Durst

2. **Adoption of the Agenda**

MOTION: Councilman Marcollese moved to adopt the agenda as presented.

VOTE: The motion passed unanimously, 4-0.

3. **Welcome from Mayor Pollino & Introductions** *(See attached presentation, which is included as a reference in these minutes).*

Mayor Pollino welcomed everyone to the Village of Marvin's Fall Town Hall Meeting and then introduced Council and Staff.

TIME STAMP 4:05

4. **Accomplishments**

Christina Amos, Village Manager, briefed attendees on all the Village has accomplished in the past few years, including the construction of the new Village Hall, landscaped roundabouts, a \$1 million grant to expand the Marvin Loop Trail, the new website, new trails, new street signs, park enhancements, a 9-hole disc golf course, increased communications, the Marvin Heritage District, solid waste services, road infrastructure projects, etc.

TIME STAMP 9:55

5. **Village Hall Update**

Ms. Amos gave a brief update on the construction of the new Marvin Village Hall, which is expected to be completed by January 2022. Ms. Amos briefly gave an update on the Village's finances and the previous year's audit.

TIME STAMP 10:55

6. **Village Hall Historic Artifacts & Time Capsule**

Austin W. Yow, Village Clerk & Assistant to the Manager, requested that residents help the Village with two projects. He first asked residents to share ideas about what to include in a time capsule that would be interred on the site of the new Village Hall. He then asked residents to donate items of historical significance or items made from repurposed materials. He stated that these donated items would be displayed in the new Village Hall.

TIME STAMP 13:45

7. **Solid Waste Services Update**

Ms. Amos explained that the Village is currently in contract negotiations with Active Waste Solutions. She explained the services to be provided, as well as the annual cost for services. She explained that residents just paid \$61 in their tax bills for services that will be provided in April, May, and June 2022. She also explained that the annual cost for services will be approximately \$244, and that the fee will be reassessed annually.

Mayor Pollino explained that the goal of having one service provider is to reduce the wear and tear on Village-maintained roads, while providing a better-quality service at a lower cost. He added that the contract will have strict penalties to ensure this better-quality service.

TIME STAMP 20:00

8. Roundabout Update

Ms. Amos explained that NCDOT is accepting public input for the planned roundabout at Marvin and New Town Roads through October 21. She stated that NCDOT is currently in the right of way acquisition phase and that construction is expected in May 2022. She explained that the Village has secured additional project funds from CRTPO and the North Carolina General Assembly. Council discussed the roundabout and traffic along New Town Road, including possibly assuming maintenance of a portion of New Town Road to lower the speed limit.

TIME STAMP 27:50

9. Loop/Greenway Grant & Upcoming Trails

Derek Durst, Public Facilities Manager, explained that additional trails are scheduled for construction in the next few years, including the Internal Preserve Trail with a connection to the Innisbrook subdivision, Tullamore Phase 3 with a connection to Rea Road, and the expansion of the Marvin Loop Greenway. He then discussed the materials used in trail construction.

TIME STAMP 33:40

10. Disc Golf at Marvin Efird Park

Mr. Durst explained that a nine-hole, family friendly disc golf short course has been installed at Marvin Efird Park. He encouraged everyone to enjoy the course.

TIME STAMP 35:20

11. Recap of 2021 National Night Out

Mr. Durst reflected on the 2021 National Night Out event held on Tuesday, October 5 from 5:30pm-8pm at Marvin Efird Park. He thanked Deputy Sheriffs Gallis and Montgomery for all their work on securing sponsorships and preparing for this event. He then thanked the event sponsors including Publix, Jersey Mikes, Harris Teeter, and Nothing Bundt Cakes. Mr. Durst thanked other law enforcement and first responders in attendance. He thanked Southern Express for playing at the event. Finally, he thanked Village Staff and members of the Parks, Recreation, and Greenways Board for volunteering. He stated he hoped to see even more people in attendance next year.

TIME STAMP 38:00

12. 2022 Marvin Day Celebration

Councilman Lein explained that the Village is currently planning “Marvin Day,” a festival scheduled for Saturday, May 21, 2022, that will celebrate the Marvin community. Events will include a 5K fun run, tours of the new Village Hall, equestrian events, a car show, art and garden tours, food trucks, a concert, and much more! He then discussed sponsorships and encouraged everyone to spread the word about Marvin Day. More information on Marvin Day will be coming soon!

TIME STAMP 43:30

13. Marvin Heritage District Update

Hunter Nestor, Planning & Zoning Administrator, explained that the Marvin Heritage District (MHD) has been in the works for more than a decade and is a planned mixed-use district that aims to create a community center that preserves and celebrates the culture and history of Marvin. He then spoke about the MHD Small Area Plan, which incorporates years of iterative input from the Resident Survey, Planning Board, Village Council, and a few consultants. He stated that the Small Area Plan is currently being reviewed by Planning Board and then will be considered for adoption by the Village Council as an amendment to the Village of Marvin Land Use Plan 2020.

Mr. Nestor then spoke about the MHD Form Based Code, which builds off the foundation, goals, policies, and implementation strategies set forth in the MHD Small Area Plan. He explained that the code would regulate the district through appearance and feel rather than traditional factors. He explained that the final draft of the MHD Form Based Code will be reviewed by Planning Board in November.

TIME STAMP 46:15

14. Coffee with Council

Councilman Lein explained that Coffee with Council events began with a goal to increase transparency and communications with residents. He encouraged all residents to come and meet with Councilmembers at Coffee with Council events to discuss issues that are important to them. Events are held twice per month; one event is held in the morning, and one is held in the evening.

TIME STAMP 50:40

15. General Questions

Residents asked questions and Council discussed topics including: youth volunteers, park events, the Marvin Heritage District, Village Hall, the grant received to expand the Marvin Loop Greenway, etc.

16. Village Council and Staff Meet & Greet

Members of the Village Council and Staff met with residents in attendance and spoke informally on a plethora of topics.

ADJOURNMENT

MOTION: Councilman Marcollese moved to adjourn the meeting at 7:57pm.

VOTE: The motion passed unanimously, 4-0.

Adopted: _____

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

*Austin W. Yow
Village Clerk & Assistant to the Manager*

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: Consent Agenda

Agenda Item: Other

Action Requested: Approve

Agenda Item to be Considered

Presenter: Hunter Nestor

Subject: Discuss and Consider Approval of Final Plat for Rural Subdivision Application 21-12637 (The Gates at Marvin)

Supporting Documentation: Staff Report and Final Plat

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Discuss and Consider Approval of Final Plat for Rural Subdivision Application 21-12637 (The Gates at Marvin)



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

DATE: November 2, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Final Plat for The Gates at Marvin Rural Subdivision

Action Requested

Jones Homes is seeking Final Plat for the 6 Lot Rural Subdivision located at 18.0940 Acres located on the corner of Waxhaw-Marvin Road and Stacy Howie RD (Parcel Number: 06228003L).

Background

Jones Homes has submitted their Final Plat for the 6 Lot Rural Subdivision located at 18.0940 Acres located on the corner of Waxhaw-Marvin Road and Stacy Howie RD (Parcel Number: 06228003L). Planning Staff has determined that the Final Plat is in conformity with the approved submitted preliminary plat and construction plans and meets all requirements of the Marvin Code of Ordinance.

Back in February and March of 2021. An application was submitted to amend the Rural Subdivision language. Village Council voted to amend the language for Rural Subdivisions to the new language below/

- (1) A subdivision that meets all of the following requirements:
 - (a) Involving not more than eight lots;
 - (b) With a parent tract of at least 10 acres;
 - (c) Minimum lot sizes are two acres;
 - (d) A minimum of half of the resulting lots are larger than 2.5 acres; and
 - (e) No more than one new road is created

Sketch Plan

Per the process in Village of Marvin Code of Ordinances § 150.048 PROCEDURE FOR SECURING APPROVAL FOR RURAL SUBDIVISIONS, the Zoning Administrator administratively approved the proposed sketch plan in April of 2021 and directed the applicant to begin working on their preliminary plat and construction plans.

Preliminary Plat and Construction Plans

Per the process in Village of Marvin Code of § 150.048 PROCEDURE FOR SECURING APPROVAL FOR RURAL SUBDIVISIONS. The Planning Board reviewed and discussed The Gates at Marvin Preliminary Plat and Construction Plans during their regular scheduled Planning Board meeting on August 17, 2021.



VILLAGE OF MARVIN

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The Planning Board unanimously voted to recommend approval of the preliminary plat and construction plan for the Gates at Marvin subdivision, contingent upon submission of the landscape and tree mitigation plan and contingent upon approval from the Village Engineer and outside agencies. NC DOT reviewed the plans, and the only comment was for the applicant to combine the driveways along Waxhaw-Marvin Road. The applicant made the revisions to their plans, and it does not alter the design or overall plans other than the drive-way and tree mitigation to comply with DOT Comments.

A Public Hearing for the Preliminary Plat and Construction Plans was held by Village Council on September 14th, 2021, during their regular scheduled council meeting. The Village Council unanimously voted to approve the preliminary plat and construction plans for the Gates at Marvin, contingent upon outside agency approval.

Final Plat

Per the process in Village of Marvin Code of § 150.048 PROCEDURE FOR SECURING APPROVAL FOR RURAL SUBDIVISIONS, Approval of the final plat shall be obtained from the Village Council. If approved, action by the Village Council shall be noted on three prints of the final plat. It shall be noted on the final plat that "Any additional subdivision of parcels identified on this plat shall be undertaken using the major subdivision process." One print shall be returned to the subdivider. Two prints shall be retained by and become a permanent record of the village, one for the Village Clerk, one for the Zoning Administrator.

Overview

LOCATION:

18.0940 Acres located on the corner of Waxhaw-Marvin Road and Stacy Howie RD (Parcel Number: 06228003L)

	Existing Land Use	Zoning Designations
Subject Property	Vacant	R-Marvin Residential
North	Residential	Union County R-40
South	Residential	Union County R-40
East	Providence Down South	Union County R-40
West	Residential/Vacant	Union County R-40 Lancaster County, SC Rural Neighborhood (R-N)

The Gates at Marvin Rural Subdivision consists of 6 Lot Rural Subdivision located at 18.0940 Acres. The overall density is .33 residential units per acre. The average lot size is 3.05 acres. The minimum lot size is 2 acres, and more than half of the lots are over 2.5 acres which qualifies the subdivision to follow the Rural Subdivision standards and ordinances outlined in 151.081. All lots meet the minimum lot widths as well as the front, side, and rear yard setbacks.



VILLAGE OF MARVIN

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Review and Discussion

Approval of the Final Plat shall not authorize the clearing and land disturbing activities, as well as commencement, installation, and construction of improvements in accordance with the approved preliminary site & civil design plans. The applicant is to get a land development permit.

The Land Development Permit is needed to begin this work. the applicant can obtain a Land Development as they have met and complied with all conditions, if any, on the approved preliminary/construction plat, are satisfied.

Staff Recommendation

Staff recommends approval of the Final Plat for the Rural Subdivision.

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: Consent Agenda

Agenda Item: Other

Action Requested: Approve

Agenda Item to be Considered

Presenter: Christina Amos

Subject: Classification and Compensation Plan

Supporting Documentation: Memo, Plan

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Consider Approval of Classification and Compensation Plan



VILLAGE OF MARVIN

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TO: Mayor and Village Council
FROM: Christina Amos, Village Manager
SUBJECT: Classification/Compensation Plan
DATE: November 4, 2021

Background

NCGS 160-162 allows municipalities to maintain compensation schedule authorizing manager to hire within those ranges as stated within. The plan can be adjusted and modified as needed.

Current

Last adopted in November of 2020; the revisions proposed include a 2% cost of living adjustment that was budgeted and allocated in July 2021. Additionally, it includes provision to allow part time positions to be created as needed without Council action.

Requested Action

Consider Approval of Classification and Compensation Plan

ADOPTED 11/10/2020		Number of Positions	FY 21 Rates		FY 22 COLA 2%	
			Minimum *	Maximum *	Minimum *	Maximum *
Village Administrator/Manager		1	\$ 79,000.00	\$ 133,000.00	\$ 80,580.00	\$ 135,660.00
Asst. to Manager/Administrator		0	\$ 47,000.00	\$ 79,000.00	\$ 47,940.00	\$ 80,580.00
Tax Collector/Office Assistant		1	\$ 31,000.00	\$ 41,000.00	\$ 31,620.00	\$ 41,820.00
Office Assistant		0	\$ 31,000.00	\$ 41,000.00	\$ 31,620.00	\$ 41,820.00
					\$ -	\$ -
City Clerk		1	\$ 43,000.00	\$ 72,000.00	\$ 43,860.00	\$ 73,440.00
					\$ -	\$ -
Communications Specialist		0	\$ 30,000.00	\$ 51,000.00	\$ 30,600.00	\$ 52,020.00
Finance Director		1	\$ 61,000.00	\$ 110,000.00	\$ 62,220.00	\$ 112,200.00
Accounting Tech		1	\$ 31,000.00	\$ 41,000.00	\$ 31,620.00	\$ 41,820.00
					\$ -	\$ -
Engineer		0	\$ 73,000.00	\$ 122,000.00	\$ 74,460.00	\$ 124,440.00
Planning and Zoning Manager		1	\$ 49,000.00	\$ 82,000.00	\$ 49,980.00	\$ 83,640.00
Planning Technician		1	\$ 33,000.00	\$ 56,000.00	\$ 33,660.00	\$ 57,120.00
Code Enforcement Officer		0	\$ 31,000.00	\$ 52,000.00	\$ 31,620.00	\$ 53,040.00
					\$ -	\$ -
Misc. Part Time Employees		5			\$ -	\$ 40,000.00
Park Attendant (Maintenance Worker 1)		3	\$ 20,000.00	\$ 37,000.00	\$ 20,400.00	\$ 37,740.00
Park Attendant (Equipment Operator)			\$ 23,000.00	\$ 39,000.00	\$ 23,460.00	\$ 39,780.00
Park Attendant (Custodial Worker)			\$ 20,000.00	\$ 37,000.00	\$ 20,400.00	\$ 37,740.00
Park Supervisor		1	\$ 30,000.00	\$ 51,000.00	\$ 30,600.00	\$ 52,020.00
Public Facilities Manager		1	\$ 34,000.00	\$ 57,000.00	\$ 34,680.00	\$ 58,140.00

***All minimums/maximums will be equated hourly based on these annual 40 hours/week salaries for part time employees when applicable**

Sources: Compiled from CCCOG's 2020 Salary Study 2020 and 2019 NC League of Municipalities - Report Center: Salaries for Municipalities with Populations between 5,000-9,999

Updated 11/8/2021 to reflect 2% COLA AND MISC. PART TIME

Village of Marvin

Council Agenda



Public Hearing

Village of Marvin

Council Agenda



Village Hall

Village of Marvin

Council Agenda



Unfinished Business

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: Unfinished Business

Agenda Item: Consensus

Action Requested: Give Consensus

Agenda Item to be Considered

Presenter: Derek Durst

Subject: 2022 Marvin Day Celebration

Supporting Documentation:

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Discussion of 2022 Marvin Day Celebration

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: New Business

Agenda Item: Resolution

Action Requested: Adopt

Agenda Item to be Considered

Presenter: Hunter Nestor

Subject: Adoption of Resolution to Oppose Union County CZ Application 2021-06 (Rea Road Cell Tower)

Supporting Documentation: Staff Report and Draft Resolution

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Discuss and Consider Adoption of Resolution to Oppose Union County CZ Application 2021-06 (Rea Road Cell Tower)



VILLAGE OF MARVIN

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DATE: November 2, 2021

TO: Village Council

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Resolution to oppose Union County CZ Application 2021-06 (Rea Road Cell Tower)

Action Requested

The Village Council adopt a resolution opposing Union County CZ Application 2021-06 (Rea Road Cell Tower). **A Resolution will be provided by Staff during the Council Meeting.**

Background

In April of 2021, Union County Planning Department received an inquiry from representatives CitySwitch, LLC to work with Union County to file the appropriate applications to request and seek approval for the construction of a 160-foot monopole telecommunications tower, with a 10-foot lightning rod for an overall height of 170 feet, proposed to be located at 9927 Rea Road (Parcel ID: 06201007A). At that time no formal application was submitted with the County and County Planning Staff only had preliminary conversations with the applicant on their proposal.

During these discussions, the County informed the applicant that the Village of Marvin is immediately west of the site. The County also informed them of the Village's goal of creating connectivity through its pedestrian trails and have worked with the neighborhoods to build trails in our common areas. The County recommended to the applicant to include an easement designated in the site plan proposal to allow for a trail to connect the proposed North McBride Branch Greenway (See Village of Marvin Parks and Greenway Master Plan) to cross the creek and connect to the commercial area along Rea Road. This was very preliminary, but the County wanted to see if this was even an option.

The Village were not involved in this suggestion from the County until the applicant agreed to add the trail easement and County Staff reached out to Village of Marvin Planning Staff to know where the easement should go. This was still preliminary conversations and at this time, no formal application has been submitted to the County. This was all conceptual and an application still had to applied for. The Village had no specifics on the proposal other than a potential conditional zoning application was expected by Union County Planning Department for a Telecommunication Tower along Rea Road.

The County received the formal application and supplemental materials regarding the proposed development in July of 2021. The applicant had to revise the submittal and resubmitted the current application for the development in August 2021. The Village was not notified on the specifics of the project until September 27th, 2021, when the Village along with the surrounding property owners and



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developments, including the Amber Meadows Subdivision, received a letter from representatives of CitySwitch. This letter was to notify the recipients that an application for a 160-foot monopole telecommunications tower, with a 10-foot lightning rod for an overall height of 170 feet, proposed to be located at 9927 Rea Road (Parcel ID: 06201007A). Even though some of the other surrounding residential developments located in Marvin including Tullamore and Canterfield Creek, are potentially going to be impacted by this, the letter was only required to go to the adjacent properties that were within so many feet of this potential project.

Village Planning Staff did not have the full specifics of the project at this time but reached out to the County to gather information. Village staff also informed the Amber Meadows and Tullamore communities of the meeting and encouraged them to attend. Staff informed the Village of Marvin Council during their Work Session Meeting held on September 30, 2021 that a Virtual Community Meeting was scheduled for October 5th at 7PM. Staff also informed them of the little information they had on the proposed development at that time.

The community meeting held on October 5th, 2021 is a requirement of the Union County Conditional Zoning process. The meeting was held virtual and was hosted by the applicant. The purpose of this meeting is for the applicant to present on their proposed application and allowed for the attendees to ask questions about the proposal and give their comments and concerns. The Union County Planning Board was at the virtual meeting but only as a witness to hear the comments and concerns from the residents that attended. The Planning Board was only allowed to chime in if there is a question regarding the process. All of this is documented and becomes a part of their application to be heard by the Union County Planning Board and Board of County Commissioners. Nothing about this proposal has been approved at this time and this is the first step in the process.

Once the applicants hear the concerns/solutions from the residents, they can make any adjustments or no adjustments and send their application to the Union County Planning Board. The Planning Board can make recommendations but, they do not have the authority to deny the request. After this meeting the Union County Planning Board will review the application, and this is potentially going to be during the December Union County Planning Board meeting.

Currently, the Village has received the application and supplemental material and are reviewing the full proposal and is continuing to get updates from County Planning Staff and making sure the Marvin Residents are informed and are properly notified when the County is holding meetings with this application proposal on the agenda.



VILLAGE OF MARVIN

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Overview

LOCATION:

4.7820Acres located at 9927 Rea Road (Parcel ID: 06201007A)

	Existing Land Use	Zoning Designations
Subject Property	Vacant	Union County B-2 CZ
North	Residential	Union County R-6 CZ
South	Amber Meadows/Greenway	Marvin R-Residential
East	Commercial	Union County B-2 and B-2 CZ
West	Residential(Amber Meadows)/Greenway	Marvin R-Residential

Review and Discussion

What can the Village do?

This request is on a property located within Union County and not within the Village of Marvin Limits. The Village does not have any direct authority to regulate but this proposed application does impact the Village. Village Council and Staff will review the application materials and gather the input from our residents. Based off the information gathered and the comments from our residents, the Village Council plans to adopt a resolution to support or oppose the application before the Board of County Commissioners vote on the application. The Village will support community desires and do what we can to protect our residents' interest.

Tentative Union County Timeline and What Marvin Residents Can Do

Outlined below the steps that all residents can go through to voice their concerns about this zoning request. The direct contact for this request will be County Planner Bjorn Hanson. The below meetings are tentative and are contingent upon if the applicant makes any revisions to the proposal from the comments received during the October 5th Community Meeting. Once the Union County Planning Board receives either the current application or an updated application it will still be a 2-to-4-month process before the Union County Board of Commissioners vote on the application. The Village of Marvin will continue to notify its residents on upcoming meetings (if different from below) and continue to gather information and update the public on the application status.

The Village had encouraged its residents to attend the meetings and provide comments and ask questions on the project and how this will potentially impact you. The Village will do what we can as well to support our residents and protect their interest.



VILLAGE OF MARVIN

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1. December Union County Planning Board Meeting – Tentative December 7th

Residents can come speak but must register online. The Planning Board does not have the power to deny the request. Once the planning board has received the updated application, they will review and make a recommendation to the Commissioners and then it will go in front of County Board of Commissioners for a Public Hearing and then a vote. *The adopted Resolution and the public comments received will be packaged and submitted to the County and will be apart of the packets for the County Planning Board and Commissioners.*

2. December/January County Board of Commissioners meeting & Public Hearing (Only 1 Public Hearing)

All adjoining property owners will be notified of the Public Hearing. The Village of Marvin will also notify its residents on the Public Hearing and the date and time. It is here that residents will be able to come to the county meeting and speak about the zoning request. It is also a recommended to have every resident email each commissioner their concern about the request. They should also copy the Planning Commission as well.

If Marvin Residents would like to email the County Commissioners, the link is provided below. The email subject should be the “Conditional Zoning Application CZ-2021-006” It is recommended that the email start with Your name, address, and Zoning Application # and then your comments and concerns.

3. January/February County Board of Commissioners meeting

At this meeting that the County Commissioners will vote on this zoning modification. No public comments may be made regarding this subject at this meeting. Once the Board votes, it is final.

Village of Marvin

Council Agenda



New Business

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: New Business

Agenda Item: Consensus

Action Requested: Give Consensus

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: December 2021 Communications

Supporting Documentation: Draft List

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Discussion of December 2021 Communications

December 2021 Communication Topics

Topic	SM Date	Newsletter Date	Event Date
Board Vacancies/Volunteer Opportunities	Mon	Weekly	
Village Council & PR&G Board Joint Meeting	11/24	11/26 + 11/24 Notice	11/30
Coffee with Council - 10-11am	11/29	11/26	12/2
MHD SP Committee Meeting	11/24	11/26 + 11/24 Notice	12/2
PR&G Board Meeting	12/2	12/3 + 12/2 Notice	12/7
Village Council Regular Meeting - 6pm	12/9	12/10 + 12/9 Notice	12/14
Time Capsule Ideas	12/13	12/10	
No Left Turns	12/14	12/10	
Planning Board Meeting	12/16	12/17 + 12/16 Notice	12/21
Speeding/Watch for Children (School's in)	12/20	12/17	
Donation of Historic Artifacts	12/21	12/17	
Christmas - Village Hall Closed	12/22	12/17	12/23 - 12/27
Kwanzaa Begins	12/22	12/17	12/26
New Years Eve/Day - Village Hall Closed	12/30	12/31	12/31 - 1/1
PR&G Board Meeting	12/30	12/31 + 12/30 Notice	1/4
Coffee with Council - 10-11am	TBD	TBD	TBD
2021: A Year in Review Newsletter	TBD	TBD	TBD
UCPS Closed		12/17	12/20 -12/31
Possible Topics			
MARSH			
Union County Master Gardeners			
Solid Waste Information			

Time Capsule Ideas

Inherit the Land - Gene Stowe
Village Hall Plans
Photos from VH Groundbreaking Ceremony
Photos from Other Events
Maps
VH Construction Photos
Photos of Old Village Hall

Village of Marvin

Council Agenda



Meeting Date: Tuesday, November 09, 2021

Agenda Section: New Business

Agenda Item: Meeting Minutes

Action Requested: Adopt

Agenda Item to be Considered

Presenter: Austin W. Yow

Subject: Village Council Minutes

Supporting Documentation: Draft Minutes

Budgetary Impact: No Budgetary Action Required

Agenda Item Title: Review and Consider Adoption of Village Council Minutes from the 10/28/21 (Work Session) Meeting



VILLAGE OF MARVIN

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VILLAGE COUNCIL MEETING MINUTES

October 28, 2021 – 9am
Village Hall, 10004 New Town Road
Work Session (Virtual Meeting)

A. AGENDA ITEMS

1. Call to Order

Mayor Pollino called the meeting to order at 9:08am and determined a quorum was present.

Present: Mayor Pollino, Mayor Pro Tem Vandenberg (*Started via Webex, arrived in-person at 9:33am*), Councilman Lein, Councilman Wortman

Present Virtually via Webex: Councilman Marcolese

Absent: None

Staff Present: Christina Amos, Austin W. Yow, Hunter Nestor, Jamie Bays, Derek Durst

2. Consider Allowing Councilmembers to Participate Remotely

MOTION: Councilman Wortman moved to allow Councilmembers to participate remotely.

VOTE: The motion passed unanimously, 4-0.

3. Adoption of the Agenda

Councilman Wortman requested to make the following changes:

- Remove Items of Discussion: "Discussion and Consideration of Village Hall Underbrush Contract to be Awarded to Vendor TBD in Amount TBD"
- Add to Items of Discussion, #6: "Discuss and Consider Adoption of Ordinance Prohibiting Stopping and Standing on Both Sides of Red Twig Road"
- Add to Items of Discussion, #7: "Discussion of Implementing Neighborhood Camera Surveillance Plan"
- Add to Items of Discussion, #8: "Discussion of Park Lights"

MOTION: Councilman Marcolese moved to adopt the agenda as amended.

VOTE: The motion passed unanimously, 4-0.

B. PRESENTATIONS

No presentations occurred.

C. ITEMS OF DISCUSSION

TIME STAMP 2:30

1. Discussion of 2022 Marvin Day Celebration (Saturday, May 21, 2022)

The Village Council briefly discussed the planning process for the 2022 Marvin Day Celebration, including the car show, sponsorships, communications, and staffing.

TIME STAMP 16:40

2. Consider Call for Public Hearing on November 9th at 6pm at Village Hall for Adoption of the Marvin Heritage District Small Area Plan (See attached, Item C.2., which is included as a reference in these minutes).

Hunter Nestor, Planning & Zoning Administrator, explained that the MHD Strategic Plan Committee and the Planning Board have recommended approval of the MHD Small Area Plan. He added that Council will be required to hold a public hearing to consider adoption of the plan. Council discussed this item in depth and encouraged the public to talk with Council Members and Staff to learn about the Marvin Heritage District.

MOTION: Mayor Pro Tem Vandenberg moved to call for a public hearing on November 9th at 6pm at Village Hall for adoption of the Marvin Heritage District Small Area Plan.

VOTE: The motion passed 3-1. Mayor Pro Tem Vandenberg voted in opposition.

TIME STAMP 34:45

3. **Discussion and Consideration of Cell Phone Policy Revision** *(See attached, Item C.3., which is included as a reference in these minutes).*
Jamie Bays, Finance Officer, explained that staff is proposing to amend the Village's Cell Phone Policy to establish stipends for Council and Staff members who wish to use their personal phone instead of a cell phone provided by the Village.

MOTION: Mayor Pro Tem Vandenberg moved to approve the cell phone policy revisions and presented.

VOTE: The motion passed unanimously, 4-0.

TIME STAMP 43:30

4. **Discussion of Considering Road Assessments for Non-Village Roads** *(See attached, Item C.4., which is included as a reference in these minutes).*
Ms. Amos explained that local HOAs are requesting for the Village to assess, repair, and accept maintenance of privately-owned roads. She added that securing loans to fund the maintenance is not feasible. She asked if they wished to pursue this idea, knowing that the funds will come out of fund balance. Council discussed this item in depth and chose not to pursue the assessments.

TIME STAMP 49:15

5. **Review of Village Council Minutes from the 9/30/21 (Work Session), 10/12/21 (Regular), and 10/14/21 (Fall Town Hall) Meetings**
Council reviewed the draft minutes from 9/30/21, 10/12/21, and 10/14/21 and made revisions. Council agreed to place the minutes on the consent agenda.

TIME STAMP 51:30

6. **Discuss and Consider Adoption of Ordinance Prohibiting Stopping and Standing on Both Sides of Red Twig Road**
Ms. Amos explained that Marvin Creek residents have had issues with people parking on Red Twig Road. She added that they have asked the Village to address the problem. She explained that the Village has similar ordinances in effect. Council discussed this item in depth.

OR-2021-10-XX

**AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA
AN ORDINANCE AMENDING CHAPTER 75: PARKING SCHEDULES, PROHIBITING ON STREET PARKING ON
BOTH SIDES OF RED TWIG**

WHEREAS, the Marvin Village Council is charged with protecting the public safety and welfare of its citizens; and

WHEREAS, the Marvin Village Council has contracted for enhanced police services from the Union County Sheriff's Department;
and

WHEREAS, the Village of Marvin Sheriff's Deputy has advised the Village Council of safety concerns for school children at the Marvin Elementary School Walk-up area; and

WHEREAS, residents in the Marvin Creek Subdivision have requested Village Council action to ensure the safety of area children using the Marvin Elementary School Walk-up area.

NOW THEREFORE, BE IT ORDAINED that the Marvin Village Council hereby prohibits vehicles from stopping and standing on the both sides of Red Twig within no less than three hundred (300) feet in either direction of the Marvin Elementary School Walk-up area one hour prior to school start time and during school hours on school days and shall appropriately mark the area to ensure the safety of school children and Chapter 75, Parking Schedules, Schedule I Stopping and Standing is amended by adding the following:

SCHEDULE I: STOPPING AND STANDING

The following location/times of street parking is prohibited:

Prohibition	Location	Time Restriction
No stopping and standing	Red Twig Lane, both sides with no less than 300 feet in either direction of the Marvin Elementary School walk-up area	Between the hours of 7:00 a.m. to 8:00 a.m. and 1:30 p.m. to 2:30 p.m. on school days

This ordinance shall be effective upon placement of a sign notifying the public of the prohibited parking described herein.

PENALTY: Any act constituting a violation of this chapter shall subject the offender to a civil penalty of \$50.00 and failure to timely pay may be enforced through collection of a civil debt in accordance Village Code 10.99.

Adopted and effective this 28th Day of October 2021.

MOTION: moved to adopt the Ordinance amending Chapter 75: Parking Schedules, prohibiting on street parking on both sides of Red Twig.

VOTE: The motion passed unanimously, 4-0.

7. Discussion of Implementing Neighborhood Camera Surveillance Plan

Council agreed to table this item until the January Work Session.

TIME STAMP 55:55

8. Discussion of Park Lights

Mayor Pro Tem Vandenberg explained that residents have had issues walking to their cars at night at Marvin Ebird Park. She asked Council if they wished to install decorative streetlights to provide better lighting at the park. Council asked staff to research the cost of installing lights. Staff will bring this item back at the January Work Session.

D. OPEN TOPICS

TIME STAMP 1:03:45

1. Roundabout Planting Plan *(See attached, Item D.1., which is included as a reference in these minutes).*

Councilman Wortman explained that he and PR&G Board Member Bob Nunnenkamp met and drafted a plan for the roundabout landscaping. He explained the plants that they are proposing, including lantana, wintergreen boxwoods, etc. Council discussed this item in depth and asked staff to get quotes for the plants.

2. Coffee with Council

Councilman Wortman spoke about the recent Coffee with Council event, at which multiple people attended. He spoke about a resident who attended and stated that she wished for the Village to establish a dog park. Council discussed this idea in depth and asked staff to research the design, cost, and liability of installing a dog park.

3. Belle Grove Meeting

Mayor Pollino spoke on his recent meeting with the Belle Grove neighborhood, who are experiencing several problems with developers.

E. COMMUNICATIONS

TIME STAMP 1:22:10

1. Discussion of November 2021 Communications

Austin W. Yow, Village Clerk & Assistant to the Manager, presented the draft list of communications for November 2021. Council reviewed the list and added additional topics.

F. VILLAGE HALL

TIME STAMP 1:24:15

Construction Update

Ms. Amos stated that curb and gutter has been poured, the siding is being painted, and that the electrical work has passed inspection. She added that the insulation work will begin soon, immediately followed by the drywall installation. The expected completion date is January 2022, but it is possible that the work could be complete in December 2021.

Update on Capital Project & Contingency Funds

Ms. Amos gave an in-depth explanation of the capital projects funds for the Village Hall project. She then stated that there is approximately \$34,000 remaining in the contingency funds. She added that not much more expected to be spent from the funds.

G. REPORTS AND UPDATES

TIME STAMP 1:34:35

1. Manager's Report

a. Solid Waste Update

Ms. Amos explained that negotiations should be concluding soon and that the contract should be on the December regular meeting for approval.

b. **Discussion of Pre-Storm Brine Application**

Ms. Amos explained that the Village Attorney has concluded that the Village has a duty to keep roadways free of obstructions. She noted that while the Village is not required to remove snow and ice from neighborhoods, the Village should prepare and address hazardous areas, including roads with steeper grades. Council discussed this item in depth.

c. **Meeting with Representative Dan Bishop**

Ms. Amos explained that she was unable to get a meeting schedule with Rep. Dan Bishop, as his schedule is full.

TIME STAMP 1:47:05

2. **Planner's Report**

a. **Discussion of Rea Road Cell Phone Tower**

Mr. Nestor explained that the applicant has requested a 30-day delay, meaning that the tower will be on agenda for the Union County Planning Board in December. He stated that any resolution adopted by the Council will be included in the Board's agenda packet. Council discussed this item in depth.

b. **Belle Grove Trail Update**

Mr. Nestor explained that the developer for the Belle Grove subdivision will not build be building the trail. He added he is still working on the fee-in-lieu.

c. **Innisbrook Preserve Trial Connector Update**

Mr. Nestor explained that this project is on hold, as both property owners are waiting to see the quality of the Internal Preserve Trail before agreeing to grant an easement for a connecting trail to the Innisbrook neighborhood.

d. **RAB Lighting Update**

Mr. Nestor explained that the roundabout lighting should be on the agenda for either the November or December regular meeting.

e. **Tree Ordinance Revisions**

Mr. Nestor stated he has been working with the Union County Urban Forester on revisions to the Village's tree ordinance. He stated that these revisions will be on the agenda

H. AGENDA ITEMS

TIME STAMP 2:17:10

1. **Review of Action Items**

- Mayor Pollino and Mr. Yow will work on a flyer for Marvin Day.
- Ms. Amos and Mr. Durst will finish the sponsorship letter for Marvin Day.
- Mayor Pollino and Councilman Lein will talk to large potential sponsors for Marvin Day.
- Ms. Amos will hire a part-time event planner for Marvin Day.
- Ms. Amos will bring back the neighborhood camera surveillance plan discussion at the January Work Session.
- Ms. Amos will bring back the park lights discussion at the January Work Session.
- Mr. Durst will get quotes for the agreed roundabout plantings plan.
- Mr. Durst will research the design, cost, and liability of installing a dog park.

2. **Review of Ongoing Action Item List**

Council reviewed the list and made revisions.

TIME STAMP 2:19:50

3. **Council Comments**

Mayor Pollino: He thanked staff for their hard work. He thanked the Belle Grove residents for inviting him, Councilman Wortman, and Mr. Durst to their neighborhood for a meeting. He spoke on the recent success of the Marvin Ridge High School Band at competition. He stated he will be participating in a zoom call with third graders to teach them about local government. He encouraged everyone to vote in the municipal elections.

Councilman Lein: He encouraged the Council to try to attend local HOA meetings, in order to better communicate with residents.

Councilman Marcolese: He thanked staff for their hard work.

I. CLOSED SESSION

1. TIME STAMP 2:23:55

Recess into Closed Session Pursuant of NCGS §143-318.11(a)(1) for Review and Approval of Closed Session Minutes from the 8/26/21 and 10/12/21 Council Meetings

MOTION: Mayor Pro Tem Vandenberg moved to recess into closed session pursuant to NCGS §143-318.11(a)(1) for Review and Approval of Closed Session Minutes from the 8/26/21 and 10/12/21 Council Meetings.

VOTE: The motion passed unanimously, 4-0.

(Recording omits closed session)

MOTION: Mayor Pro Tem Vandenberg moved to return to open session.

VOTE: The motion passed unanimously, 4-0.

MOTION: Mayor Pro Tem Vandenberg moved to approve the closed session minutes from the 8/26/21 and 10/12/21 Council Meetings.

VOTE: The motion passed unanimously, 4-0.

J. ADJOURNMENT

MOTION: Mayor Pro Tem Vandenberg moved to adjourn the meeting at 11:37am.

VOTE: The motion passed unanimously, 4-0.

Adopted: _____

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

*Austin W. Yow
Village Clerk & Assistant to the Manager*

Village of Marvin

Council Agenda



Open Topics

Village of Marvin

Council Agenda



Agenda Items

- 1. Review of Action Items**
- 2. Review of Ongoing Action Item List**
- 3. Council Comments**

VOM ACTION ITEM LIST				
Meeting Date	Item	Action Needed	Person Responsible	Status
2020				
2/27/2020	Tree Planting List	Meet with Urban Forester; revise tree planting list and tree removal ordinance.	Hunter	In Progress
2/27/2020	Dwellings Ordinance Revision	Send back to Planning Board for review and then to Council - Ongoing Ordinance Review	Hunter	In Progress
7/1/2020	Roundabout Lighting	Telecom wires need to be adjusted for light installation to be compliant with electrical safety code. Union Power needs encroachment agreements. Work on getting lights on the plans for the roundabout at Marvin Road and New Town Road.	Hunter/Christina	In Progress
7/30/2020	PB & PRG Photos for Email	Get photos of PRG and PB members for email communications.	Austin	On Hold
9/24/2020	Signs	Discuss assessing Village signs with Engineer Mike Walden.	Christina/Hunter	In Progress
11/10/2020	Solid Waste & Recycling	Continue to pursue establishing solid waste and recycling as a municipal service.	Christina	In Progress
12/8/2020	Agenda	Provide an update on the Roundabout Lighting, Street Light Policy, Motor Vehicle Penalty Ordinance, and Median Ordinance.	Hunter	In Progress
2021				
1/28/2021	Streetlights	Research street light ownership with Union Power.	Hunter	In Progress
5/11/2021	Trail Easement	Secure the trail easement for the Innisbrook-Preserve Trail connection.	Hunter & Chaplin	On Hold
7/29/2021	MHD Conditional Zoning	Move forward on the conditional zoning for the Marvin Heritage District and work on MHD Zoning Plans	Hunter & Tom	In Progress
7/29/2021	Belle Grove Greenway	Work on alternative solutions for the planned Belle Grove Greenway and will not dispose of the trail easement.	Hunter	In Progress
8/26/2021	MEP Oak Trees	Get additional quotes for preserving the heritage oaks at Marvin Ebird Park.	Derek	In Progress
9/14/2021	Roundabout Plantings	Get an updated quote for roundabout plantings.	Derek	In Progress
9/30/2021	Pulte Park	Provide an update on the proposed park to be donated by Pulter Homes adjacent to the Towns at Ardrey Park	Hunter	In Progress
9/30/2021	Internal Preserve Trail	Execute the contract with Blue Ridge Trail Works for the Internal Preserve Trail.	Christina	In Progress
9/30/2021	Meeting with Dan Bishop	Set up a meeting with U.S. House Representative Dan Bishop about the infrastructure bill.	Christina	In Progress
10/12/2021	Budget Amendment	Prepare a budget amendment to fund the engineering and right of way costs for the Marvin Loop expansion.	Christina & Jamie	In Progress
10/12/2021	Proclamation	Work on a proclamation to honor the late Ray Williams.	Austin	Complete
10/12/2021	Union County Cell Tower Application	Work with Union County on colocation of the proposed cell tower, research hiring a tech consultant, and will report back at the October 28 work session.	Hunter	In Progress
10/12/2021	Union County Cell Tower Application	Share more information with residents about upcoming Union County Board of County Commissioners and Planning Board meetings that relate to the proposed cell tower.	Hunter	In Progress
10/28/2021	Marvin Day Flyer	Work on a flyer for Marvin Day.	Mayor Pollino & Austin	In Progress
10/28/2021	Marvin Day Sponsorships	Finish sponsorship letter for Marvin Day.	Christina & Derek	In Progress
10/28/2021	Marvin Day Sponsorships	Talk to large potential sponsors for Marvin Day.	Mayor Pollino & Councilman Lein	In Progress
10/28/2021	Part-Time Event Planner	Hire a part-time event planner for Marvin Day.	Christina	In Progress
10/28/2021	Neighborhood Camera Surveillance Plan	Bring Neighborhood Camera Surveillance Plan at the January Work Session.	Christina	In Progress
10/28/2021	Park Lights	Bring back Park Lights discussion at the January Work Session.	Christina	In Progress
10/28/2021	Roundabout Plantings	Get quotes for the agreed roundabout plantings plan.	Derek	In Progress
10/28/2021	Dog Park	Research the design, cost, and liability of installing a dog park.	Derek	In Progress

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Closed Session